

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, May 28, 2008**

1. Call to Order:

Vice-Chairman Sims called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker

Preston Hicks

Carlyle Sims

Mark Behnke

William Morris

Chris Simmons

Jan Burland

Ed Scheinfeldt

Staff Present: Michael Buckley, Director, Planning and Community Development
Glenn Perian, Senior Planner, Planning Dept.
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of March 26, 2008.

**A MOTION WAS MADE BY COMMISSIONER SCHEINFELDT, SUPPORTED BY
COMMISSIONER BARKER TO APPROVE THE MINUTES OF MARCH 26, 2008 AS
PRESENTED. VOTE ON MOTION: ALL YES, NONE OPPOSED MOTION
CARRIED.**

5. Correspondence: Petition (45 signatures of residents) received in opposition to Special Use Permit # S-05-08, Petition of Tele-Site, Inc., Novi, MI to install a 100 ft. tall Telecommunications Tower at 713 Riverside Drive (Central Christian Church).

6. Public Hearing:

A. AMENDMENT TO THE PLANNING AND ZONING CODE (#A-01-08): The Battle Creek City Planning Commission will be holding a public hearing to consider an amendment to the Planning and Zoning Code as specified below:

Creation of Prairieview Homes Overlay District: Create Chapter 1249 "PH-OD Prairieview Homes Overlay District":

1249.01 PURPOSE AND INTENT

The purpose and intent of the PH-OD Prairieview Homes Overlay District is to provide regulations and development standards for the PH-OD Prairieview Homes Overlay District and to allow the use by right of current residential uses, as identified in the PH-OD Prairieview Homes Overlay District Map, which uses previously did not conform to the zoning classification that existed since they were originally built. In establishing this overlay district, the properties within the PH-OD Prairieview Homes Overlay District are deemed to be legally conforming to the Planning and Zoning Code as of the date of adoption, and not subject to the requirements of Chapter 1288 Nonconforming Uses, Sections 1288.02 and 1288.03.

1249.02 APPLICABLE REGULATIONS

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the PH-OD Prairieview Homes Overlay District.

**1249.03 PRAIRIEVIEW HOMES OVERLAY DISTRICT
DESCRIPTION.**

- (a) The boundaries of the PH-OD Prairieview Homes Overlay District shall be delineated on the official zoning map of the city and titled "PH-OD".
- (b) The area delineated as the PH-OD Prairieview Homes Overlay District shall be further described as Lots 2-91 inclusive, in the Plat of Prairieview Homes as recorded on September 15, 1948 in Liber 10 of Plats, on Pages 6 and 7.
- (c) The PH-OD Prairieview Homes Overlay District shall be an overlay on the R-2 Two-Family Residential District along the streets within this subdivision, containing housing units principally constructed as military housing in the 1940's.

1249.04 PERMITTED USES.

- (a) In addition to those uses permitted by right in the underlying "R-2 Two-Family Residential District", an existing residential structure may continue by right to be used for the number of units that exist at the time of adoption of this ordinance.
- (b) No additional residential units may be added to any existing residential structures within the PH-OD unless in conformance with the underlying R-2 Zoning classification.

1249.05 SITE DEVELOPMENT STANDARDS.

The building height, yard, lot area, building coverage, parking and site plan review standards for the PH-OD shall be the same as the site development standards for the underlying R-2 Two-Family Residential District, except that the parking requirement is considered to be met by the existing off-street parking and that parking already established by the City within the public right-of way along streets within the PH-OD.

1249.06 CONFLICT WITH R-2 ZONING DISTRICT REGULATIONS.

In the event of any conflict between the provisions of this Chapter and Chapter 1248, or other ordinance provisions pertaining to R-2 Two-Family Residential Districts, the provisions of this chapter shall control.

Ms. Mary Lou Ramon, 110 S. 23rd Street, Chair Lakeview Co-Op Owners Association, was present to speak on behalf of the Lakeview Co-Op. She stated they were in favor of approving the Overlay Zoning District and hoped the Planning Commission was also, she asked if they had any questions.

With no one else wishing to speak the Public Hearing was closed.

B. SPECIAL USE PERMIT (#S-05-08): Petition from Mr. David Antoun, Tele-Site, Inc., 1015 S. Lake Dr., Novi, MI 48377, acting with the consent of Central Christian Church for a Special Use Permit for a Wireless Communication Tower (100 ft.) as permitted under the Planning and Zoning Code, Chapter 1297, Section 1297.09, for property located at 713 Riverside Dr., Parcel # 0074-00-100-0, legally described as: SEC 24 T2S R8W BEG AT PT ON N & S 1/4 LI LYING S 00 DEG 34 MIN 30 SEC E 894.06 FT FROM N 1/4 POST - S 89 DEG 45 MIN 31 SEC E 438.37 FT - N 00 DEG 34 MIN 30 SEC W 267 FT - S 89 DEG 45 MIN E ALG SLY LI OF PLAT OF CHAPEL HILL ESTATES 453.6 FT - S 00 DEG 34 MIN 30 SEC E ALG W LI OF PLAT OF SOUTHGATE NO 6, 700.23 FT - N 89 DEG 48 MIN W ALG N 1/8TH LI OF SEC 24, 889.85 FT - NLY ALG N & S 1/4 LI 433.87 FT M/L TO POB, CONT 11.66 ACRES M/L, SUBJ TO HWY EASE OVER WLY 50 FT THEREOF.

Mr. Jonathan R. Crane, Civil Engineer and Attorney, 1126 N. Main, Rochester, MI; Mr. David Antoun, 1015 S. Lake Dr., Novi, MI; and Mr. Scott Hubble, Sr. Radio Frequency Engineer, 24242 Northwestern, Southfield, MI and Pastor Gordon Pippin, Central Christian Church was present to speak on behalf of Tele-Site, Inc., and answer any questions or issues that the Planning Commission might have.

Mr. Crane stated they met with the Neighborhood Planning Council and provided a lengthy presentation showing the site plan and the tower being several 100 ft. from nearby homes. Said they agreed to have the tower be a dark green to blend with the surrounding trees and it would be self contained. Stated it would not have interference or health hazards, they have built at least 1,000 and have never been reported for interference and their company have not had any complaints.

He noted there was a heavy tree line between the residents and the tower, he drove through the residence area and could not even see the tower site from the road as it was down in a valley away from the homes. Stated they were aware of the Nursery School at the church and have installed towers at other schools without any issues. Provided (handed-out) a copy of a power rendering or photo simulation of what they are proposing.

Commissioner Scheinfeldt asked regarding the report they submitted, referenced to page one that talks about an attached map depicting Verizon Wireless sites located both in and outside the boundaries of the city, noted it was included in the report. Mr. Crane handed out a copy of a mapping showing coverage and the necessity of what the antenna would provide, noted the adjacent cities green area is good, yellow is caution and red is bad. Said it was an interesting point that they have gone beyond cell phones, that it is the infrastructure for the 21st century and new things such as used for On-Star, vehicle positioning, GPS, data transmission, wireless intranet, etc.

Commissioner Morris asked regarding Co-Locations and if they had spoken to other tower companies about sharing their poles.

Mr. Crane stated that they did contact another company (A.M. Radio Station) and they were not interested in sharing the south-east side and was out of their service area. Mr. David Antoun stated he went twice to their location and called several times in trying to contact the Radio Station and they were not interested and did not return his calls. Stated he spoke to Scott Hubble, Sr. Radio Frequency Engineer and learned that it was farther east than where they needed to be, that this location would provide a better service for the Battle Creek area and that the other towers were located on the outskirts of town. Mr. Antoun noted that the Riverside School would be a good location, and a lady from the school returned his call and said they were not interested.

Commissioner Morris asked if it were approved would they share their tower with other companies. Mr. Antoun stated, yes they have co-location departments that work with other companies.

Commissioner Hicks asked how long the contract lease was for the church location. Mr. Antoun stated 25 years, noted they have built over 1,000 and had not taken any down as they are costly to put up and only put one up when they cannot co-locate. Stated with the economy today they can only do so many, so they only build in areas where there is a need. Said Battle Creek and Kalamazoo are the 3rd highest use per minute in cell phones and have a need for the tower.

Commissioner Hicks asked regarding saturation; how does Battle Creek compare to a similar city in Michigan regarding the number of towers.

Mr. Scott Hubble stated the saturation is regulated by the number of people in the area and that the Battle Creek Area is a fast growing market. This location will fill a hole and serve those with complaints of no coverage and provide a service to those dropping off children at the school and provide emergency services also and would cover the needed capacity for the area. They do not intend on adding any additional sites in this general area for the next 5 – 10 years and foreseeable longer, as the technology advances they can cover more people with one site and are building fewer sites rather than more and are very strategically done.

Commissioner Hicks asked how property owners are approached to ask if their property can be used for a tower location.

Mr. Hubble stated that the property owner is informed that it would be unobtrusive as possible and only is maintenance once a month; is environmentally friendly, very painless and creates revenue for churches and schools, which usually take advantage of it and are seldom denied.

Commissioner Burland stated in her mind there is a lack of clarity as to the health impact with the technology associated with this particular type of tower and its exposure.

Mr. Jonathan Crane stated that in every study done, it has been inconclusive, shown no evidence of harm done to anyone and is not an issue. Stated in the "Federal Government 1998 Federal Telecommunications Act" it specifically stated that health issues was unfounded and should not be considered for zoning approval of towers. Stated there were absolutely no health hazards and that the Neighborhood Planning Council had unanimously approved and no trees would be taken down.

Commissioner Burland asked Mr. Crane, referring to his statement regarding the "FCC 1998 Federal Telecommunications Act" instructing them not to consider health benefits when considering the location of a tower; in the number of studies that have been done that were inconclusive or show no evidence. For future reference which of those studies does he think are most reliable for them to review.

Mr. Crane stated he has a book he put together for the City of Detroit with all the Federal Studies completed and would share with the Planning Commission if they wished to review. Mr. Scott Hubble noted there was a bulletin provided by the zoning authorities "Bulletin OE56" that was on the intranet.

Commissioner Barker asked what the size of the building was for the site plan and if the photo was to scale. Said it was hard to tell what 100 ft. would look like and the photo suggest the back tree line would then be approximately 50 ft. high and asked if it had to be 100 ft. in height. He also asked Mr. Antoun about contacting Riverside School.

Mr. Antoun stated the photo was not to scale and used the background trees to try to figure it out, noted the trees are on a hill. Said the photo is close, plus or minus 5 feet. Regarding the elementary school he had contacted them in regards to putting it where the soccer fields are, said the Superintendents office returned his call and was not interested.

Commissioner Barker asked about our ordinance calling for an alternate structure to be stealth, and the issue of the flag pole not blending in with the terrain.

Mr. Crane stated the building was (12 x 26) about the size of a one car garage, with a six foot fence and would be approximately three telephone poles high and would have the least impact, and yes it had to be 100 ft. high, it would not work for less. He stated they have built antennas of many different types of towers, and that this one is the next generation style. It is the least in size and not as obvious with a 2.5 ft. base and 12 inches at the top. Stated they can have two co-locations added below theirs and would still look the same.

Commissioner Simmons asked if they could simulate what it would look like so the neighbors can see visually what it would look like.

Mr. Crane stated he could not say that it would not be seen. Mr. Hubble stated the tower is going to exist and is needed in this area, that it is less obtrusive and not visible. That there was a tree line that

surrounds the area and would be completely friendly to the area and this is the least obtrusive spot he has ever done in over 1,000 locations.

Commissioner Scheinfeldt asked if there was any discussion with the church and residence to see how best to do this in this area.

Pastor Gordon Pippin stated their church leadership have thoroughly looked at the property line area and know they will be the ones to see it the most as it is on the church property. They have considered the surrounding residents and with it being so far into the property, he does not believe it can be seen on Riverside Drive. Said they have great pride and do take good care of their property and believe a first impression of the building is important and take care of what God has given. Stated they have a preschool and had called the State inspectors to make sure there was no interference with the license for the school and no danger to the children involved in the school. Said he was assured by the State that there was no danger to the children and had their approval.

Commissioner Morris asked Mr. Buckley how the Planning Department researches and handles cell phone towers. Mr. Buckley stated he or Glenn Perian spend a lot of time with people looking to site cell towers and antennas. Their preference is to find a co-location, so they do not have to go through the time and expense of installing a new tower. They have an inventory of existing towers and will sit down and talk with them and if needed will suggest better areas and also co-locate if they possible. Noted it is in the ordinance that they do share the towers and have to express the willingness to share. He noted that the Radio Station is not in the City of Battle Creek.

Mr. Scott Hubble stated that cell tower technology can cause problems with radio towers and they might not want the problems that could possibly occur as it is a conflict of technology. Mr. Hubble stated Mr. Antoun might not have been completely aware of the R.F. impact when he approached the Radio Station, that if brought to him he would not have approved as a candidate because of the problems that occur.

Commissioner Morris asked Mr. Hubble about adding antennas on top of telephone poles. Mr. Hubble stated that Verizon and their corporate legal team have decided against this because of safety issues. With 100,000 watts it would not be safe if it were to fall onto someone, that a life is not worth a tower.

Commissioner Sims asked if the F.A.A. had been contacted to make sure they are not in a flight pattern. Mr. Hubble stated they are 3,257 ft away from the runway with the hill 30 or 40 ft. tall and nearly in the shadows of the trees height which is almost as high. Said he is also a pilot and does take this into consideration, they do pass what is called a no notice required with the F.A.A. and work very closely with them, but are not required to file with them because of how short their tower is; he takes the area into consideration for the height accordingly to make it as pleasant as possible.

Commissioner Sims asked if the tower could affect WBCK, Christian Stations, or Dish T.V. etc. Mr. Hubble stated as Mr. Crane said that once or twice it has occurred causing interference, and that they own and operate their own frequencies and others cannot transmit on their frequency.

Commissioner Burland stated this site had a steep grade (22 ft. to the east, little less to the northeast and more directly to the north) with the trees appearing to be various types and are different heights; asked if a CAD or another program could do something to scale the height, tower and trees to see if the neighbors' complaints are valid.

Mr. Scott Hubble stated the simulation is very accurate and they are not trying to deceive regarding the height as it is not the issue. It would not be that visible because of the grade and would be above the tree line about 20 ft. As the map shows the yellow area has very low reception, this is the area for the complaints and that is why they chose this location. Stated it is also costly (400,000 to 600,000 dollars) to build and construct a tower, they would not do so if it were not necessary and would also help with 911 calls.

Commissioner Burland stated she would like to see what it looks like at a different angle. Mr. Hubble stated even if the site was moved ¼ mile you would then be affecting another group of neighbors. They have considered everything and chose the least impacting site possible to minimize the impact.

Mayor Behnke called a point of order; said they are to hear testimony about a Special Use Permit and not in a negotiation stage at this time. Stated they have not heard from the opposition as yet, and are here to discuss the Special Use Permit, which he feels is very important.

Commissioner Sims asked if there was anyone else present to speak in favor, seeing none asked if there was anyone present to speak against this petition.

Ms. Ahuva Sadeh, 928 Glencroft Lane, came forward to speak, stated she had not been informed other than receiving in the mail the notice from the Planning Department that no one came and asked the neighbors. She is here today to represent the 45 persons who signed the petition for denial. Stated they had health concerns and that studies show cancer can be caused from being within ½ of a mile from cell towers, especially for children. She also was concerned that it would decrease her property value. Noted regarding the Church Daycare, that the parents did not know about the proposed cell tower and were upset. She is asking for it to not be approved.

Ms. Susan Scalabrino, 684 Morningside Drive, stated she had the same concerns as Ms. Sadeh and also is not so much concerned with the appearance and would not make that much of a negative visual impact. Stated she had lived there for 30 years and that as property values go up it would have a negative impact for resale. Noted the health impact was a concern and that there have not been a lot of studies done. Said she was surprised the Lakeview Schools turned it down when they are in need of money, for them to turn it down makes her believe they also have concerns.

Mr. John Scalabrino, 684 Morningside Drive, stated he agreed it was not a visual issue and had concerns with property values, health, and would not want their daily lives be impacted by this technology that people feel is needed. Stated that Mr. Antoun had a lack of due diligence by not following up with the radio company. He objected the remark made that the tower will be going in, and that they did not live here and their only interest was just for profit.

Mr. Bob Long, 675 Riverside Drive, stated he is conflicted because of his good relationship with the church and share a property line. He appreciates the previous stated concerns and noted he had not been contacted either, only by the Planning Commission notice received in the mail. Noted that if he were to sell his property that it could reduce his property value and in the winter he would see the whole tower. Said he does not approve this request and asked that it be looked at and brought back.

Mr. Chuck Asher, 961 Glencroft Ln., stated he is conflicted also because of his relationship with the church. He agrees with Mr. Simmons suggestion to do a temporary visual example; he suggested the 100 ft. Ladder Fire Truck that is in the district to see what it would look like.

Commissioner Burland stated that the F.C.C. does provide guidance for decision making and also quoted from the City Ordinance Chapter 1297.01 (7). Said she needs more evidence that no other technologies are suitable to meet the needs for the telecommunications tower or another option would be available for a different system.

Mr. Crane stated he believes Commissioner Burland is referring to a DAS system which does not work with their system because of low power and does not penetrate the neighborhood. The technology is not there and only works for very small corridors and not like what an antenna would provide. He is asking that the board approve and noted that those in opposition stated they were not concerned with the visual impact.

Mayor Behnke called a point of order.

Commissioner Sims asked that the petition received with 45 signatures against be noted for the record.

With no one else wishing to speak the Public Hearing was closed.

7. Old Business: None

8. New Business:

- A. AMENDMENT TO THE PLANNING AND ZONING CODE (#A-01-08): The Battle Creek City Planning Commission will be holding a public hearing to consider an amendment to the Planning and Zoning Code as specified below:
Creation of Prairieview Homes Overlay District: Create Chapter 1249 "PH-OD Prairieview Homes Overlay District"

MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER SIMMONS TO APPROVE THE CREATION OF CHAPTER 1249 "PH-OD PRAIRIEVIEW HOMES OVERLAY DISTRICT".

Discussion: None

A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR; NONE OPPOSED. MOTION APPROVED.

Mr. Michael Buckley asked for the record if the Petitioner wished to formally withdraw their submitted petition to change the zoning to "R-3A Multiple Family Residential". Ms. Ramon stated, yes they wished to withdraw due to the creation of Chapter 1249 it would not be needed.

- B. SPECIAL USE PERMIT (#S-05-08): Petition from Mr. David Antoun, Tele-Site, Inc., 1015 S. Lake Dr., Novi, MI 48377, acting with the consent of Central Christian Church for a Special Use Permit for a Wireless Communication Tower (100 ft.) as permitted under the Planning and Zoning Code, Chapter 1297, Section 1297.09, for property located at 713 Riverside Dr.

MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY MAYOR BEHNKE TO APPROVE THE PETITION FROM TELE-SITE, INC. FOR A 100 FT. TELECOMMUNICATION TOWER ON 1713 RIVERSIDE DRIVE.

Discussion:

Commissioner Simmons stated he just emailed the operations manager at the radio station and was confused regarding the communications. Stated they had called and was open to the idea of a co-location, and had just received a call yesterday stating they did want to co-locate as they might not be able to get local governmental approval for another site and asked to return a call to them. Is this your organization that contacted the radio station.

Mr. David Antoun stated no they had not called the station yesterday, that he had visited the radio station twice and called three times and they had taken his information and was given the manager's phone number, after a few days he called him with no answer.

Commissioner Simmons states apparently the station is open to the idea, but according to Mr. Hubble it might not be technically feasible. The Radio Station stated it was T-Mobile he spoke to and you are Verizon; apparently T-Mobile is also looking in this area.

Mr. Antoun stated he is also a real-estate agent license #284601, he sells homes all over with and without towers, noted studies have been made that towers do not decrease real-estate values. Most people are happy because they are close and have coverage for their intranet, phones etc.

Commissioner Simmons stated it appears to him due diligence was not done as far as with the radio station. Mr. Antoun stated he reported all the available sites including the radio station to their Radio Frequency Engineer, Mr. Scott Hubble. He stated that those towers was out of their search area and would not cover as much as they wanted including the radio station.

Commissioner Sims stated he feels that all the other opportunities have not been exhausted. He said there are five or six towers along 6 ½ Mile Road and feels more research needs to be done to justify approval.

Mayor Behnke stated he agrees with the chairperson and think that a golf course could be a better location for their site and find it shocking that the school district is not interested. His concern is regarding the change in the character of the neighborhood, which is convincing him not to approve at this time. States he is willing to table it in order to work with them as it is important to work with businesses to make their business happier in Battle Creek and also allow them to save the monies paid for the Special Use Permit with ample time to work through the process.

Commissioner Barker stated the problem is the 100 ft. pole in the neighborhood, and is difficult to support it from the perspective of the local neighborhood. He wanted it noted for the record that in addition to the comments made they have a petition of 45 names in the immediate area who are not in support at this time. He realized that in the near future there will be some type of communication device put in place in this area, but seems that Riverside School would be ideal location and meet their needs without the concerns of the neighbors and hope they can reach an agreement to postpone and better educate everyone on this matter and find a solution for a suitable location.

Commissioner Morris asked if they can change the motion and possibly table this until they find a more suitable location.

**MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY
COMMISSIONER SCHEINFELDT TO TABLE THE PETITION PENDING**

**ADDITIONAL INFORMATION, FROM TELE-SITE, INC. FOR A 100 FT.
TELECOMMUNICATION TOWER ON 1713 RIVERSIDE DRIVE.**

Mr. Jonathan Crane is in agreement with tabling their petition to allow more work to be done. Stated he would provide more information to the Planning Commissioners and also neighbors.

Commissioner Scheinfeldt stated it is a nice residential area and feel there is a better alternative to be found and does not believe they have exhausted all other options. States he understands that Verizon is trying to appease their customers to provide a service and is in favor of tabling.

Commissioner Hicks feels that the course of questions regarding safety, aesthetics, etc. are important, do not cross their desks that often, and see opportunity to do more work. He is not sure it is their responsibility to help them identify a better place to put a tower, by tabling it he is not sure how much traction they get to move this process along. They come to this meeting with a petition and we are now asking them to go back and do more research, which might be inconclusive regarding safety portion; the aesthetics part, the community members have spoken that they do not like or want it there. He is not sure what will be accomplished by tabling this petition, or what data can be brought to them to make this petition float.

Mr. Buckley stated they are very close to the Emmett Township line and any further east would cross over into Emmett Township.

Commissioner Morris stated his intent to table was to allow them to find a better location and better streamline the procedure.

Commissioner Sims stated if they choose another location, a public mailing and notification would need to be done and they would then come before them for that new location. In his opinion they have not accomplished anything by tabling.

Commissioner Scheinfeldt stated there are two options available; one is to vote for the original motion, which he would vote no and if the City Commission say no; the Verizon Co. need to make a decision if they want to start the process again for other options, which he believes they would and would take additional time, money and expense. Secondly we could hold it at this level not knowing what decision the City Commission might make.

Commissioner Simmons stated his support for tabling this petition would not be necessarily for finding a new location, but that he has not seen evidence of doing the due diligence of finding the best location. With having just not returned phone calls would not be enough answer for him for a site selection. He would like to see more due diligence and contact the radio station and school and ultimately come back with something more in order for him to be supportive, at this point he cannot support.

Commissioner Burland stated for the record she would not support the table motion because the request for the Special Use Permit at this site is what she finds is problematic.

Commissioner Morris stated he was in agreement with Commissioner Burland and also would not be supporting this location.

Mr. Crane stated he would welcome for it to be tabled and do additional work with his staff. If necessary he would withdraw the application down the road, modify it or come back with another application and pay the fees and any cost for notices.

Mr. Michael Buckley stated if they wished to table or postpone, they would use that time to gather additional information and get it to the petitioner, also see if there is any impact on property value. Stated this report did have some detail regarding health issues back in 2001, and will try and provide any additional information. It is not wasted time, but will use it to get the additional information.

Commissioner Scheinfeldt stated that it is possible with additional due diligence this will still be the site. Will have the additional information and stand by the original petition, until that has a chance to work through the process, we do not know what they will come back with.

A ROLL CALL VOTE WAS TAKEN: FIVE(5) BARKER, BEHNKE, MORRIS, SIMMONS AND SCHEINFELDT IN FAVOR; THREE(3) BURLAND, HICKS, AND SIMS OPPOSED. MOTION APPROVED.

9. Comments by the Public:

Mr. Jonathan Crane thanked the Commission; said they looked forward to coming back and will provide the information and answer any additional questions.

Ms. Mary Lou Ramon wanted to confirm the decision regarding Prairieview Homes. Stated they withdrew their original petition and asked if the Overlay is what will be presented to the City Commission and if an additional \$600 dollars was owed. Per Mr. Buckley that was correct and no additional monies are required.

Ms. Jackie Braman, 32 S. Broad Street, wanted to know about an up-zoning for the Neighborhood Planning Council #4 (Fremont, McKinley, Verona) neighborhood. Said it was requested some time ago and was never finished and that City Commissioner Sofia and Commissioner Baldwin suggested she ask the Planning Commission how to get this up-zoning completed on the south-side of Capital Avenue N.E. as the north-side had been done. Their houses are currently zoned R-3 and can be divided up into any amount of apartments they would like, there is a lot of multi-family units there and would like it up-zoned to R-2 which would prevent anyone from turning them into 4 or 5 apartments as opposed to just two, which is a good thing for the neighborhood. Stated about five years ago the city promised them it would be done, the first two blocks where done and now it is time to finish. She wants to know how to restart this process.

Mayor Behnke stated he would talk to Mr. Buckley and get them a report. Mr. Buckley stated to the Planning Commission that when a survey was provided to them of the projects for prioritizing, this project was on the list out of approximately 10 projects and was not in the top five that this commission wanted time spent on. Therefore, it was set aside and time was to be spent on Airport Overlay, Transitional Business District, etc. He stated that if the Commission wanted Glenn Perian and himself to work on it, that it would be a significant zoning change involving 500, 600 or 700 properties.

Ms. Braman stated that the last time it came before them she was the only person to speak for it and not one single landlord was present to speak regarding the change. States she will continue to come and ask that it be completed.

Commissioner Sims stated he believed that the City is currently working on those properties that are not up to the zoning code.

Mr. Buckley stated Ms. Braman is correct that it is the long term solution, to get it zoned appropriately for the use that is there; which would be a major project.

Commissioner Scheinfeldt suggested that the priorities could be reviewed again as we now have new members and could update the priority list with this current commission.

Mr. Buckley stated it has been a little over a year, but could provide to the commission for review.

10. Comments by the Staff and Commission Members:

Commissioner Chris Simmons stated he had received an email several minutes ago from the Program Director at the Radio Station that indicated they are interested in co-locating towers on the Radio Station property and that the citizens of Battle Creek would rather have an additional tower on their property verses in a residential neighborhood. He noted on the map the pink area where their property is located which is not far from where they are wanting and is possible that technically it will not work.

Commissioner Scheinfeldt complemented the Planning Staff for the material they provided. He also wanted an update regarding the training session in June.

Ms. Parrish provided the information regarding the Michigan Planning Enabling Act and Updated Zoning and Enabling Act training session on June 26, 2008 and asked if any other Commissioners wished to attend, if so let her know in order to get registered. Those signed up to attend are as follows; Commissioner Scheinfeldt, Commissioner Barker and Senior Planner Glenn Perian.

Commissioner Barker wanted to thank Mr. Buckley for including the Michigan Planner in their packet and found it very informative. Also the work regarding the cell phone and communications tower was helpful. Stated they should be reminded that they did submit a list of priorities which he noted the Master Plan and it is true that the up-zoning has fallen on the list and is not a question of being neglected by the Planning Department but a question of priorities. He was happy to see the letter sent to Wezeers Bar and Grill and was glad to see it settled. He feels that the Transitional Business District is important and hope it is consistent with the neighborhood. Thanked the Planning Department.

11. Adjournment:

The meeting adjourned at 5:42 P.M.

Respectfully Submitted,

Michael J. Buckley, Executive Secretary
Battle Creek City Planning Commission